

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JEREMIAH M. WOLFE,

Defendant.

**8:17CR154**

**ORDER ON MOTION  
TO COMPEL DISCOVERY**

This matter is before the Court on the Motion to Compel Discovery ([Filing No. 89](#)) filed by Defendant, Jeremiah M. Wolfe. The motion was supported by a brief ([Filing No. 90](#)) and an Index of Evidence ([Filing No. 91](#)) in accordance with the Criminal Rules of the United States District Court for the District of Nebraska. See NECrimR [12.3\(b\)\(3\)](#). The government filed a response ([Filing No. 94](#)) to the motion on October 10, 2017. For the reasons stated below, the motion will be granted.

Defendant seeks an order compelling the government to “produce discovery information and material” as outlined in his motion and accompanying brief. (Filing Nos. 89, 90). As set forth in the motion, Defendant seeks the production of the following:

1. The autopsy photographs, the body map, and the curriculum vitae (“CV”) of the pathologist.
2. All supporting information, history or evidence known or told to the pathologist and relied upon in the formulation of the conclusions therein. Specifically, the Defendant requests supporting documents related to the “history of seizures.”
3. Copies of the “investigative report” that was supplied to the pathologist that assisted in the formation of the “Summary” paragraph in exhibit 1 (Report entitled “FINAL-Autopsy Pathology Report).

([Filing No. 89 at p. 2](#)).

Counsel for the government has set forth a chronology of her efforts toward complying with the Court’s previous discovery order under [Fed. R. Crim. P. 16](#) and Defendant’s specific requests. ([Filing No. 94](#)). As described, the government has attempted to obtain the requested items enumerated in paragraph 1 above, and has either provided such items to Defendant or

intends to do so as they are received. The items fall within the category of discovery to be disclosed and/or provided under the Federal Rules of Criminal Procedure. See [Fed. R. Crim. P. 16\(a\)\(1\)\(E\)](#). As such, those items shall be produced to Defendant as requested.

With regard to the requested items enumerated paragraphs in 2 and 3 above, counsel for the government has stated that she has made efforts to obtain any such items which may exist and intends to comply with Defendant's request for production when received. As such, and to the extent such items fall within the category of items required to be produced under the Federal Rules of Criminal Procedure, the items shall be produced to Defendant as requested. See [Fed. R. Crim. P. 16\(a\)\(1\)\(E\)](#), (F), (a)(2), and (c).

The government is also reminded of its constitutional obligation to disclose any information that is exculpatory in nature, or that affects the credibility of a witness. [Brady v. Maryland](#), 373 U.S. 83 (1963); [Kyles v. Whitley](#), 514 U.S. 419 (1995); and [Giglio v. United States](#), 405 U.S. 150 (1986). Accordingly,

**IT IS ORDERED:**

1. Defendant's Motion to Compel Discovery ([Filing No. 89](#)) is granted, as set forth above.
2. The government shall comply with this order on or before October 23, 2017, and on a continuing basis in satisfaction of its obligations as set forth above.

Dated this 13<sup>th</sup> day of October, 2017.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge